

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants thank the Examiner for indicating that claim 3 contains allowable subject matter, and that the claim would be allowable if it is amended to be placed into independent form, and to overcome a judicially created double patenting rejection. By the current amendment, Applicants amend claim 3 to include substantially all the subject matter of independent claim 1. Further, as will be discussed below, Applicants submit that the claims of the present invention are patentably distinct from U.S. Patent 6,678,230. Accordingly, Applicants believe that claim 3 is in condition for allowance, and respectfully request such an indication from the Examiner.

Further, while Applicants do not disagree with the Examiner's indication that certain identified features are not disclosed by the references, Applicants wish to clarify that the claims in the present application recite a combination of features, and the basis for patentability of the claim is based on the totality of the features recited therein.

Applicants also thank the Examiner for noting certain minor errors in the specification. By the current amendment, Applicants revise the specification, paying particular attention to the concerns raised by the Examiner. In view of the current amendment, Applicants submit that the grounds for the objection to the specification no longer exist, and respectfully request withdrawal of this objection.

Applicants respectfully traverse the Examiner's judicially created doctrine of obviousness-type double patenting rejection of claims 1-6 over claim 1 of U.S. Patent 6,678,230. Applicants submit that in setting forth this rejection, the Examiner has failed

to set forth any reasons as to why, for example, it would be obvious to provide the waveform equalizer recited in claim 1 of U.S. Patent 6,678,230 with the asymmetry detector recited in claim 1 of the present application.

In setting forth the obviousness-type double patenting rejection, the Examiner asserts that it would be obvious to delete elements. However, Applicants submit that the claims of the present invention add features, and these additional features render the claims of the present invention patentably distinct from claim 1 of U.S. Patent 6,678,230. In particular, the claims of the present invention recite an asymmetry detector. The addition of this feature is submitted to render the claims of the present application patentably distinct over claim 1 of U.S. Patent 6,678,230. Accordingly, Applicants submit that the ground for the obviousness-type double patenting rejection no longer exists, and respectfully request that this ground of rejection be withdrawn.

Applicants also respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 1, 2, 5 and 6 as being obvious over Applicants' "admitted prior art" ("APP") in view of U.S. Patent 6,373,805 to SONG. In setting forth this rejection, the Examiner admits that the "APP" fails to disclose Applicants' detector, discriminator, calculator or selector. However, the Examiner asserts that these features are disclosed by SONG. Applicants respectfully submit that this assertion is erroneous.

SONG is directed towards a method for recording information on an optical recording medium. On the other hand, the present invention is directed towards a method for reproducing information previously recorded on an optical recording medium. Accordingly, Applicants submit that SONG's detector (e.g., control signal detector 50) fails to detect an asymmetry arising from the marks and non-marks. In this

regard, it appears that SONG's detector functions to detect whether a track accessed by an optical pickup is a land track or a groove track, as opposed to detecting pits, (as asserted by the Examiner).

The Examiner asserts that it is inherent that the pits of SONG are asymmetrical. Applicants respectfully submit that this is incorrect, noting that SONG specifically discloses (see, for example, column 3, lines 54-57 of SONG) that the pits are symmetrical. Accordingly, Applicants submit that the pits of SONG are not asymmetrical, and further, that the detector detects tracks, rather than detecting asymmetric pits (as is done by Applicants' invention).

Furthermore, it does not appear that SONG includes a waveform equalizer, since it is not directed towards reproducing data recorded on an optical recording medium. Therefore, it also does not appear that it includes a calculator that calculates coefficients, or a selector that selects a coefficient, as claimed in the present invention.

In view of the above, Applicants submit that even if one attempted to combine the teachings of the applied art in the manner suggested by the Examiner, one would fail to arrive at the instant invention, as such a combination would fail to include the above-noted features. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. § 103 rejection of claims 1, 2, 5 and 6.

Further, Applicants submit that U.S. Patent 6,480,447 to WAKABAYASHI fails to disclose or suggest that which is lacking in the "AAP" or SONG (e.g., Applicants' claimed detector, discriminator, calculator or selector). Accordingly, Applicants respectfully request that this ground of rejection also be withdrawn.

In this regard, Applicants note that paragraph 10 of the Office Action indicates that claim 4 is rejected as being obvious over "APP" in view of WAKABAYASHI. However, in discussing the rejection, the Examiner discusses features asserted to be taught by SONG. Accordingly, Applicants believe that the Examiner intended to indicate that claim 4 is rejected as being obvious over "APP" in view of SONG, and further in view of WAKABAYASHI, and requests confirmation in the next official communication.

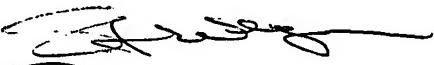
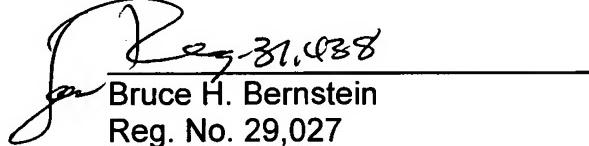
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Harumitsu MIYASHITA et al.

  
  
Bruce H. Bernstein  
Reg. No. 29,027

December 7, 2004  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191